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July 13, 2007

Bruce H. Wolfe, Executive Officer  
California Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street, Suite 1400  
Oakland CA 94612

RE: San Francisco Bay Regional Water Quality Control Board Staff's May 1, 2007  
Municipal Regional Permit (MRP) Administrative Draft

Dear Mr. Wolfe:

This letter is in response to your staff's request for comments on the May 1, 2007 Municipal Regional Permit (MRP) Administrative Draft. The City of Concord concurs with BASMAA that the MRP should be comprehensive, integrated, and prioritized. Although the May 1, 2007, MRP Administrative Draft is better formatted than the previous draft MRP dated October 16, 2006, it still fails to meet these three basic criteria. If everything in the permit is a #1 priority, nothing will be a priority.

Additionally, several specific things need to be addressed:

1. BASMAA submitted proposed MRP requirements to Board staff on Concord's behalf on September 22, 2006. The BASMAA proposal, while a significant increase over what we are currently doing, was possible to achieve. The draft fails to incorporate BASMAA's September 22, 2006 proposed text.
2. Proposed requirements are too detailed, specifying minutia like inspection of dog kennels, the number of press releases needed, city interdepartmental relations, inspection of drapery cleaners, type of street sweepers to buy, and the frequency of inspection of different kinds of construction sites. The permit should specify only outcomes with the details of how best to accomplish these left to each jurisdiction. This allows each municipality to take advantage of local conditions, expertise, and resources.
3. Board staff is proposing a dramatic increase in assessment and monitoring requirements without any basis of how this is supposed to improve water quality.

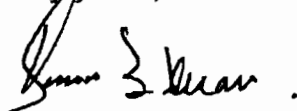
This, the most expensive part of the new permit, should be designed to get the most environmental benefit rather than the biggest pile of reports. What specific question are we trying to answer with each water test?

4. Board staff proposes lowering the threshold for mandatory post-construction water treatment to include projects that create 5,000 square feet of impervious surface even though there is no evidence that this will improve water quality. Data provided at the public workshop showed that it would have a negative economic impact, but would make no difference to water quality.
5. The Administrative Draft includes requirements not associated with municipal stormwater discharge, e.g. control of dischargers that do not pass through a municipal storm drainage system.
6. Staff is proposing to significantly increase the administrative burden on local municipalities with new requirements for tracking, electronic databases, and increased reporting. If more resources are devoted to reporting, then fewer resources will be available to improve water quality.
7. Nothing in our current permit has been eliminated despite assurances that there would be trade-offs when adding new requirements.

We are aware that your staff met with BASMAA on June 5th, 8th, 18th and 19th to discuss the May 1, 2007, MRP Administrative Draft. Hopefully, these meetings will result in a MRP that is both meaningful and achievable.

I look forward to working with you on developing a MRP that will be practical and have outcomes that will protect water quality. Should you have any questions regarding these comments, please contact my staff at (925) 671-3394.

Very truly yours,



Qamar Khan  
Director of Public Works

cc: Senator Tom Torlakson  
California State Assemblymember Mark DeSaulnier  
County Supervisor Susan Bonilla  
Mayor & Members of the City Council  
Lydia E. DuBorg, City Manager  
Contra Costa Clean Water Program  
BASMAA